



COMMUNITY REVIEW BOARD ON POLICE PRACTICES

MINUTES

**Tuesday, September 25, 2018
Mission Valley Branch Library
2123 Fenton Parkway
San Diego, CA 92108**

Members Present:

Joe Craver, Chair	Bonnie Kenk
Brandon Hilpert, 1 st Vice Chair	Ramon Montano
Patrick Anderson	Mary O'Tousa
Doug Case	Maria Nieto-Senour
Gregory Daunoras	Ernestine Smith
Diana Dent	Pauline Theodore
Kevin Herington	Nancy Vaughn
Sheila Holtrop	Marty Workman
Steve Hsieh	Marissa Yenpasook
Alex Hu	

Members Absent:

Poppy Fitch
Taura Gentry

Staff Present:

Sharmaine Moseley, Executive Director, CRB
Wes Morris Captain, San Diego Police Department
Mark Bennett, Lt. San Diego Police Department

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- I. **CALL TO ORDER/WELCOME:** Chair Joe Craver called the meeting to order at 6:10 p.m.
 - II. **PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES:**
Chair Joe Craver explained the purpose of the Community Review Board on Police Practices (CRB) to those in attendance.
 - III. **APPROVAL OF MINUTES:** Motion made by member Patrick Anderson to approve the minutes (with amendments) of July 10, 2017 and July 24, 2018. The amendments were to: Section V- change the language in the minutes of July 24, 2018 regarding the letter to the Mayor to "could have" violated the

Brown Act; Section VIII – change “Classed” to “Classes”; and Section change “Detective Holt” to “Lieutenant Holt”. Member Nancy Vaughn seconded the motion.

Motion passed unanimously 19-0-0 (Yays: Chair Craver, 1st Vice Chair Hilpert, members Anderson, Case, Daunoras, Dent, Herington, Holtrop, Hsieh, Hu, Kenk, Montano, O’Tousa, Senour, Smith, Theodore, Vaughn, Workman, and Yenpasook) (Nays: None) (Abstain: None) Members Fitch and Gentry absent

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)

- A. Silvia Santos described an incident she was involved in where a civilian older man who was on the scene with an officer was laughing.
- B. Evie Kosower expressed her concerns about the CRB and Measure G. She believes that the City Council should participate in the selection of members. CRB should develop criteria on who should be on the list.

V. RECOGNITION & APPRECIATION:

Appointed members of the CRB were recognized and acknowledged for their many years of service on the CRB. Those members were: Dr. Reinaldo Galindo, Pieter O’Leary, and Richard Stanford.

Members of San Diego Police Department’s Internal Affairs Unit were recognized for providing stellar administrative support to the CRB. Those members were: Lieutenant Jason Weeden, Lieutenant Adam Sharki, Sergeant Jessie Holt, and Detective Angelica Navarro-Moran. They have been promoted to other divisions within SDPD and are no longer assigned to the Internal Affairs Unit.

Public Comment: Oletha Wade Matthews provided comments on the CRB acknowledging the members of Internal Affairs and not acknowledging CRB prospective member Darwin Fishman.

VI. TRAINING PRESENTATION: “The Ralph M. Brown Open Meetings Act”
Christina Cameron, Esq
Devaney Pate Morris & Cameron LLP

CRB Outside Counsel provided the CRB with a 10-minute overview on the purpose, noticing of meetings, when members can talk to each other when not in a meeting, serial meetings, decisions to sign letters, and limitations under the Brown Act.

VII. UNFINISHED BUSINESS (DISCUSSION/ACTION): None

VIII. NEW BUSINESS (DISCUSSION /ACTION):

- A. CRB Letter to Mayor Data July 10, 2018 Re: Member Re-appointment – Chair Craver will draft letter to rescind the July 10, 2018 letter.
- B. CRB Revised Bylaws (Action Item) –The draft revised bylaws were reviewed by the CRB so that it was consistent with Measure G.

Motion made by member Doug Case to adopt the revised bylaws. Motion passed 14-0-5 (Yays-14 1st Vice Chair Hilpert, members Case, Daunoras, Dent, Herington, Holtrop, Hsieh, Hu, Kenk, O'Tousa, Smith, Theodore, Vaughn, and Workman; Nays-0; Abstain-5 members Anderson, Senour, Yenpasook, Montano, and Chair Craver; Absent-2 members Fitch and Gentry)

Public Comment: Evie Kosower commented that the Mayor has complete control over the process.

- C. Operational Standing Rule on Case Review Procedures (Action Item) – This rule involves other city departments.

Motion made by member Doug Case to adopt the Operational Standing Rule on Case Review.

Motion passed 17-0-2 (Yays-17 1st Vice Chair Hilpert, members Anderson, Case, Daunoras, Dent, Herington, Holtrop, Hsieh, Hu, Kenk, Montano, O'Tousa, Smith, Theodore, Vaughn, Workman, and Yenpasook; Nays-0; Abstain-2 Chair Craver and member Senour; Absent-2 members Fitch and Gentry)

- D. Administrative Standing Rule on Case Review Format and Presentation (Action Item) – This is an internal document that does not involve other departments so only Board approval is required.

Motion made by member Doug Case to adopt the Administrative Standing Rule on Case Review Format and Presentation with correction of Citizen's to Community throughout the document.

Motion passed unanimously 18-0-1 (Yays-17 1st Vice Chair Hilpert, members Anderson, Case, Daunoras, Dent, Herington, Holtrop, Hsieh, Hu, Kenk, Montano, O'Tousa, Senour, Smith, Theodore, Vaughn, Workman, and Yenpasook; Nays-0; Abstain-1 Chair Craver; Absent-2 members Fitch and Gentry)

- E. Joint Meeting Public Safety & Livable Neighborhoods Committee & CRB November 28 at 5pm (Cherokee Point Elementary School) – This meeting will take place on November 28 at Cherokee Point Elementary School.

IX. COMMITTEE REPORTS (DISCUSSION/ACTION):

- A. Continuing Education Committee (Brandon Hilpert)
- Upcoming Education Topics/Guest Speakers–Brown Act, Neighborhood Unit, SDPD Wellness Presentation, Star PAL, Mid City Community Action Network

- B. Outreach Committee (Mary O'Tousa)
- Monthly Calendar of Events/Outreach Opportunities

Members attended the following events prior to September 25, 2018: National Night Out; Juvenile Justice Summit; Community Assistance Support Meetings; and Building Trust Educational Workshop Series One & Two

Upcoming Meetings/Events are as follows: Building Trust Educational Workshop Series Three–Six; Captain's Advisory Board Meeting; Better A Block; and PAESAN Community Picnic

- C. Rules Committee (Doug Case)
- 9/12 Meeting Update – The Committee finalized the 3 documents that the Board voted on at tonight's meeting. The Committee will also be looking at developing a procedure for Shooting Review Board Reports.
 - Audit of Category II Cases – The Rules Committee will discuss this item at its next meeting.
 - Case Summaries for Publication – The CRB will be exploring how to provide the rationale of its case decisions to the complainants within the confines of Peace Officer Bill of Rights (POBOR)

- D. Policy Committee (Brandon Hilpert)
- Next Scheduled Meeting –October 9 from 4pm–5pm prior to the Closed Session Meeting

- E. Recruitment & Retention Committee (Maria Nieto–Senour)
- Training Components for Existing New Members –The training of new members was completed.
 - Training Schedule for Upcoming New Members

- F. Citizens Advisory Board on Police Community Relations (Taura Gentry)
- It was noted that Committee Chair Gentry was absent from tonight's CRB meeting so no report was given.

- G. Red Binder (Doug Case) – The goal of this Committee is to make the CRB's Red Binder short and concise.

- H. 30th Anniversary Celebration (Brandon Hilpert) – Current members, staff, public, former members will be invited.

X. **CHAIR'S REPORT**

(Chair Joe Craver)

- A. Status of Implementation of Measure G Ordinance – Completed
- B. NACOLE Annual Conference (September 30–October 4, St. Petersburg, FL) –Executive Director Sharmaine Moseley, Member Doug Case, & IA Captain Wes Morris will be attending this year's conference.
- C. 1st Quarter Volunteer Hours Report – **Due October 1, 2018**
- D. Update on the City Council 7/30 Meeting Re: Women Occupy Proposed Charter Amendment
Public Comment: Kate Yvenditti of Women Occupy mentioned that the group is still working on creating an Independent Commission of the CRB. The proposal made it through the Rules Committee and then the proposal had to go through the city's Meet & Confer Process. The group will continue to work on getting this on the ballot for 2020.
- E. Work Plan Update – 1st Vice Chair Brandon Hilpert will update the work plan.
- F. Status of CRB Relationship Building Session – Chair Joe Craver will host this relationship building event for current and new members of the CRB.

XI. **EXECUTIVE DIRECTOR'S REPORT** (Sharmaine Moseley)

- A. Caseload Update & Status of Case Reports

Today the CRB started off with 17 active cases. Three of those cases were placed on the Closed Session Meeting agenda for review and 1 was deliberated on and closed. The CRB also had 2 Shooting Review Reports on the agenda. The CRB Teams now have a total of 16 active cases. The CRB has deliberated on and closed out a total of 8 cases for fiscal year 2019.

The breakdown of active cases are as follows:

Team 1 – 1 case; Team 2 – 3 cases; Team 3 – 3 cases; Team 4 – 5 cases; Team 6 – 1 case; Team 7– 3 cases

- B. Community Events/Forums/Meetings – The Outreach Chair reported on this item earlier.
- C. Status of Grand Jury Report Response – Last week, the Independent Budget Analyst delivered the Mayor and Council's proposed response to members of the Public Safety and Livable Neighborhoods Committee. The members of the Committee accepted the proposal. Next step –it will go to the City Council to be considered.
- D. Other Items/Reminders

- Spanish Brochure – Circulated to members for feedback
- Annual Report – Committee Chairs will be asked to provide a report for his/her Committee
- Confidentiality Agreement Forms – Members are required to sign
- Intern – The CRB has no intern for this semester. The Office of Boards and Commissions will be getting an Executive Assistant who will start on Monday.
- Committee Assignment Sheet – Request for members to sign-up for CRB Committees

XII. SAN DIEGO POLICE DEPARTMENT REPORT (Captain Wes Morris)

Public Comment: Adrienne Durso commented on the Carotid Restraint item. The Racial Justice Coalition supports the ban of SDPD's Use of the Carotid Restraint. Ms. Durso mentioned the effects of the use of the Carotid Restraint. She requested that the Board reconsider its recommendation.

A. Status of CRB Recommendations– The Chief tasked one of his Lieutenants to research the Use of the Carotid Restraint. He will provide the CRB with his responses to these recommendations at a future meeting of the CRB.

- Recommendation for SDPD to adopt a de-escalation policy and use Baltimore's policy as a model – Status of review of SDPD Procedure 1.04 Use of Force for any potential changes
- Recommendation that SDPD remove the Carotid Restraint from SDPD's Use of Force Department Procedure 1.04 for Active Resistance Behavior and retain for Assaultive or Life-Threatening Behavior. If SDPD uses the Carotid Restraint on a person, the person must be transferred immediately to a medical facility
- Recommendation for SDPD to document evidence shared with the Medical Examiner's Office

B. Other Items

XIII. BOARD MEMBER RIDE-ALONG REPORTS (2 mins each)

Members Doug Case, Bonnie Kenk, Kevin Herington, Marissa Yenpasook, Steve Hsieh, Mary O'Tousa, Alex Hu, and 1st Vice Chair Brandon Hilpert.

XIV. BOARD MEMBER ANNOUNCEMENTS/COMMENTS

Maria Nieto-Senour, Nancy Vaughn

XV. ADJOURNMENT: 7:50pm